

THE HONORABLE FRANKLIN D. BURGESS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICROSOFT CORPORATION, a Washington
corporation,

Plaintiff,

v.

SOFTWARE PROVISIONS, LLC, an Oregon
limited liability company, and NATHANIEL
ANGELUS,

Defendants.

NO. C04-5802FDB

STIPULATION TO FILE FIRST
AMENDED COMPLAINT

NOTE ON MOTION CALENDAR:
December 14, 2005

I. STIPULATION

Pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, plaintiff, Microsoft Corporation, and defendants, Software Provisions, LLC and Nathaniel Angelus, hereby stipulate to plaintiff filing the First Amended Complaint in a form substantially identical to Exhibit 1, attached hereto. The parties respectfully request that this Court adopt this Stipulation to File First Amended Complaint.

STIPULATION TO FILE FIRST AMENDED
COMPLAINT (NO. C04-5802-FDB) - 1

[41826-5036-000000/05 Dec 15 Microsoft Stip Amend
Complaint.DOC]

Perkins Coie LLP
1120 NW Couch Street, 10th Floor
Portland, Oregon 97209
Phone: (503) 727-2000
Fax: (503) 727-2222

All parties consent to the electronically filed signatures within this Stipulation to File First Amended Complaint.

DATED: December 14, 2005.

s/ Sarah J. Crooks

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s/ James E. Bartels

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II. ORDER

Good cause appearing therefore, and based upon the stipulation of the parties, it is
HEREBY ORDERED that the Stipulation to file a First Amended Complaint is adopted.

It is so ordered this 15th day of December 2005.



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE

STIPULATION TO FILE FIRST AMENDED
COMPLAINT (NO. C04-5802-FDB) - 2

[41826-5036-000000/05 Dec 15 Microsoft Stip Amend
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CERTIFICATE OF SERVICE

On December 15, 2005, I caused to be served upon counsel of record, at the address stated below, via the method of service indicated, a true and correct copy of the following documents:

STIPULATION TO FILE FIRST AMENDED COMPLAINT

Bruce Orr	—	Via hand delivery
James E. Bartels	—	Via U.S. Mail, 1st Class,
MEYER & WYSE		Postage Prepaid
621 SW Morrison Street, Ste 1300	—	Via Overnight Delivery
Portland, OR 97205	—	Via Facsimile
Attorneys for Defendants	<u>X</u>	Via E-filing

I certify under penalty of perjury under the laws of the State of Oregon that the foregoing is true and correct.

DATED at Portland, Oregon, this 14th day of December, 2005.

s/ Sarah J. Crooks
Thomas R. Johnson, admitted *pro hac vice*
Sarah J. Crooks, WSBA 35997
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